

REMARKS

This is intended as a full and complete response to the Restriction Requirement dated October 1, 2004, having a shortened statutory period for response set to expire on November 1, 2004 (1 month deadline). Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-15 stand restricted under 35 U.S.C. 121 and 372 as follows:

Group I, claims 1-4 and 10-11, drawn to Device.

Group II, claims 5-9 and 12-15, drawn to Method.

Applicant provisionally elects Group I (claims 1-4 and 10-11) with traverse.

The Examiner states that "the inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature" because the groups are "related as process of making and product made." The Examiner states that "a materially different process that does not include a step of at least one other conductor of the first metal plane being electrically connected to another conductor of the second metal plane (claim 5) could make the device of claim 1." The Examiner further states that "unpatentability of Group I invention would not necessarily imply unpatentability of Group II invention, since the device of Group I invention could be made by a process materially different from those of Group II invention."

Applicant respectfully traverses this restriction requirement and submits that the Examiner has mischaracterized the claims and this restriction is an improper application of restriction practice. A process of making and a product made by the process can be shown to be distinct inventions if either or both of the following can be shown: (A) that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make other and different products; or (B) that the product as claimed can be made by another and materially different process. (MPEP § 806.05(f)). Applicant submits that claim 5 does not include "a step of at least one other conductor of the first metal plane being electrically connected to another conductor of the second metal plane" and that the Examiner has mischaracterized claim 5 as to include such feature. Thus, Applicant submits that the Examiner has failed to show that the device of Group I invention could be made by a process materially different from those of Group II invention.

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Applicant further submits that all independent claims include the same or corresponding special technical feature of "a second contact surface of the second contact being located at a greater distance, in a substrate-normal direction, from the substrate than a first contact surface of the first contact." Therefore, Applicant submits that the claims satisfy the unity of invention requirement under PCT Rule 13 as well as under 35 U.S.C. 121 and 372. Withdrawal of the restriction requirement is respectfully requested.

Having addressed all issues set out in the Restriction Requirement, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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